

Application/Control Number 09/936,399
RCE Amendment November 4, 2004
RCE Amendment to Final Office Action of March 8, 2004

REMARKS

The Final Office Action dated March 8, 2004 has been carefully considered. Accordingly, the changes presented herewith, taken with the following remarks, are believed sufficient to place the present application in condition for allowance. Reconsideration and allowance of all remaining claims is respectfully requested.

Claims 11, 28 and 32 have been added, support for the amendments and added claims being found in the specification as filed. It is believed that these changes and additions do not involve any introduction of new matter, whereby entry is believed to be in order and is respectfully requested. Claims 11-16 and 21-32 remain in the application for consideration.

Claims 28-31 were rejected under 35 U.S.C. § 102(b) as being anticipated by Bacon et al U.S. Patent 5,500,154 (hereinafter referred to as "Bacon et al"). The Examiner asserted that Bacon et al includes two examples (V and VI) disclosing the claimed detergent compositions, which contain "anionic, water solvent, ethanolamine, Perfumes A and B, and ethanol which is used in fragrances and which has a boiling point below 160 degrees C."

However, as will be set forth in detail below, it is submitted that the detergent compositions defined by claims 28-31 are not anticipated by Bacon et al. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

As defined by claim 28, from which claims 29-31 depend, the present invention is directed to a liquid dishwashing detergent composition suitable for use in hand dishwashing. The detergent composition includes an anionic surfactant, a solvent, an amine having a pKa of great than 8.0, and a perfume composition. The perfume composition has from about 45% to about 65% by weight of an odor neutralizer which is capable of forming a Schiff base when reacted with the amine. The detergent composition also has a pH from about 8.5 to about 12.

However, Applicants find no teaching by Bacon et al of the detergent compositions as defined by claim 28. That is, Bacon et al disclose a detergent composition containing an effective amount of an enduring perfume composition and a surfactant system to provide detergent benefits (col. 1, lines 50-57). Furthermore, in contrast to the present detergent compositions, which include a perfume composition comprising from about 45% to about 65% by weight of an odor neutralizer, Bacon et al teach that detergent compositions include a perfume composition having 35% by weight aldehydes (col. 26, perfume B). Applicants find no teaching by Bacon et al of a composition including a perfume composition having from about 45% to about 65% by weight of an odor neutralizer. Therefore, Applicants find no teaching of a detergent composition including a perfume composition having from about 45% to about 65% by weight of an odor neutralizer capable of forming a Schiff base when reacted with an amine as recited by claim 28.

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Anticipation under 35 U.S.C. § 102 requires the disclosure in a single prior art reference of each element of the claims under consideration, *Alco Standard Corp. v. TVA*, 1 U.S.P.Q.2d 1337, 1341 (Fed. Cir. 1986). In view of the failure of Bacon et al to teach a detergent composition as defined by claim 28, particularly in regards to having a perfume composition with from about 45% to about 65% by weight of an odor neutralizer as presently claimed, Bacon et al do not disclose each element of the claims under consideration, and therefore, do not anticipate the detergent compositions of claim 28 under 35 U.S.C. § 102.

It is therefore submitted that the liquid dishwashing detergent compositions as defined by claims 28 and 29-31 are not anticipated by and are patentably distinguishable from Bacon et al and the rejection of claims 28 and 29-31 under 35 U.S.C. § 102 has been overcome. Reconsideration is respectfully requested.

Claims 11-16 and 21-32 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Bacon et al. The Examiner alleged that, in addition to the previously discussed teachings of Bacon et al. regarding enduring perfumes, Bacon et al further teach a detergent composition having perfume ingredients with boiling points below 180°C and that these perfume ingredients are less than 15% of the perfume composition. The Examiner noted that Bacon et al do not anticipate the composition as set forth in claim 32, but asserted that Bacon et al teach all of the limitations recited by applicants for inclusion into a perfume composition, and that a person having ordinary skill in the art would expect the recited compositions to have about 45% or more of an aldehyde, because the reference discloses at col. 3, lines 35+ that perfumes used in the invention contain at least about 70% of enduring perfume ingredients and be similar to the exemplary detergent compositions as disclosed in Bacon et al.

However, as will be set forth in detail below, it is submitted that the detergent compositions as defined by claims 11-16 and 21-32 are non-obvious over and patently distinguishable from Bacon et al. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

As previously set forth, Bacon et al disclose a detergent composition having a perfume component and surfactant system. Bacon et al also disclose enduring and non-enduring perfume ingredients, including a few non-enduring ingredients having boiling points less than 180°C (between 177°C and 179°C) (col. 5, Table 2). In addition, Bacon et al disclose that the non-enduring ingredients comprise less than 15% of the perfume component of the detergent composition (col. 4, lines 8-10).

However, Applicants find no teaching or suggestion by Bacon et al of detergent compositions as recited in claims 11-16 and 21-32, including an anionic surfactant, a solvent, an amine having a pKa of greater than 8.0, and a perfume composition, wherein the perfume composition includes from about 45% to about 65% by weight of an odor neutralizer. On the contrary, there is a teaching away.

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In the Final Office Action, page 3, 1st full paragraph, the Examiner admits that "the reference discloses at col. 3, lines 35+ that perfumes used in the invention contain at least about 70% of enduring perfume ingredients."


Thus, the teachings of Bacon et al do not render the limitations of claims 11-16 and 21-32 obvious. Applicants find no teaching or suggestion to modify this reference to result in detergent compositions comprising a perfume composition, wherein the perfume composition includes from about 45% to about 65% by weight of an odor neutralizer as defined in claims 11-16 and 21-32. Bacon et al provides no teaching or suggestion of detergent compositions as employed in the present claims 11-16 and 21-32.

It is well settled that to support a rejection under 35 U.S.C. § 103, a reference must provide an enabling disclosure, i.e., it must place the claimed invention in the possession of the public. *In re Payne*, 203 U.S.P.Q. 245 (CCPA 1979). The single reference to having 35% by weight of aldehydes in a perfume composition as disclosed in Bacon et al does not provide any suggestion or motivation to include from about 45% to about 65% by weight of an odor neutralizer in the perfume composition as set for the in the present claims. Thus, Bacon et al do not suggest the detergent compositions of claims 11-16 and 21-32, which require the combination of an anionic surfactant, a solvent, an amine with a pKa greater than 8.0, and a perfume composition having from about 45% to about 65% by weight of an odor neutralizer.

It is therefore submitted that the cleaning compositions as defined by claims 11-16 and 21-32 are non-obvious over and patentably distinguishable from Bacon et al and the rejection of claims 11-16 and 21-32 under 35 U.S.C. § 103 has been overcome. Reconsideration is respectfully requested.

It is believed that the above amendments and remarks represent a complete response to the rejections under 35 U.S.C. §§ 102 and 103, placing the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,



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